

3711

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/015,348

Filing Date

December 12, 2001

First Named Inventor

Flood

Art Unit

3711

Examiner Name

Mark S. Graham

Attorney Docket Number

00241.001

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Return postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

RECEIVED
APR 18 2003
TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	D. Whitlow Bivens Musick, Peeler & Garrett LLP	Reg. No. 42,330
Signature	<i>D. W. Bivens</i>	
Date	April 4, 2003	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: April 4, 2003

Typed or printed

Misty Herndon

Signature

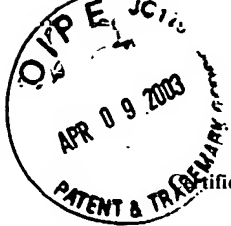
Misty Herndon

Date

4/4/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

On April 4, 2003

Typed or printed name of person signing this certificate: Misty Herndon

Signature: _____

Misty Herndon

RECEIVED
APR 18 2003
TECHNOLOGY CENTER R3700

R. Kent
4-18-03
#6

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In re the Application of:

Applicant:	James Flood	Examiner:	Mark S. Graham
Application No.:	10/015,348 ✓	Art Unit:	3711
Filing Date:	12/12/2001		
For:	Shock Absorbing Baseball Bat ✓		

**RESPONSE TO RESTRICTION REQUIREMENT
DATED MARCH 4, 2003**

Applicant responds to the Restriction Requirement dated March 4, 2003 (the "Office Action") as follows:

Applicant hereby elects Group II consisting of claims 12-15 for initial examination.

Applicant reserves the right to file a divisional application directed to the non-elected claims at a later date if it so desires.

Concluding Remarks

In light of the foregoing, Applicant believes that all of the claims currently pending in the Application are allowable and respectfully asks the Examiner to consider the Application. If the Examiner believes that further communication with the Applicant or the Applicant's counsel will

be beneficial to the pending Application, the Examiner is invited and encouraged to contact Applicant's counsel directly by telephoning (619) 525-2553.

Respectfully submitted,

D. W. Bivens
D. Whitlow Bivens
Attorney for Applicant
Registration Number 42,330

4/4/03
Date